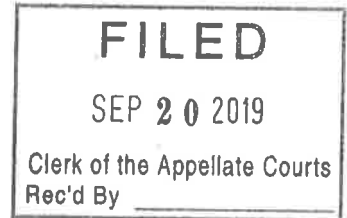


**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**



STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
Byron Black,)	
)	
Defendant.)	

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Byron Black. In support of this motion, the State relies on the following:

1. Black was convicted for the 1987 murders of Angela Clay and her two daughters, Latoya and Lakeisha Clay. Following a jury verdict, the trial court sentenced Black to death for the murder of Lakeisha Clay. Black was given life sentences for the other two murders, to be served consecutively to each other and to the death sentence. Black's convictions and sentences were affirmed by this Court on direct appeal.

State v. Black, 815 S.W.2d 166 (Tenn. 1991) (reh'g denied, Sept. 3, 1991).

2. Black filed a petition for post-conviction relief in the trial court, which was denied following an evidentiary hearing. The Court of Criminal Appeals affirmed the judgment, and this Court denied discretionary review. *Black v. State*, No. 01C01-9709-CR-00422, 1999 WL 195299 (Tenn. Crim. App. Apr. 8, 1999), *perm. app. denied* (Tenn. Sept. 13, 1999). The United States Supreme Court denied review. *Black v. Tennessee*, 528 U.S. 1192 (2000).

3. Black filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Tennessee but was denied relief. *Black v. Bell*, 181 F. Supp. 2d 832 (M.D. Tenn. 2001). While Black's appeal was pending in the United States Court of Appeals for the Sixth Circuit, he was able to reopen his post-conviction petition to litigate a claim of intellectual disability in the state courts. But Black was ultimately unable to prove that he was intellectually disabled. *Black v. State*, No. M2004-01345-CCA-R3-PD, 2005 WL 2662577 (Tenn. Crim. App. Oct. 19, 2005), *perm. app. denied* (Tenn. Feb. 21, 2006). Following further consideration of this Eighth Amendment intellectual disability claim in the district court, the Sixth Circuit affirmed the denial of habeas relief on all of Black's claims. *Black v. Carpenter*, 866 F.3d 734 (6th Cir. 2017) (reh'g denied, Oct. 27,

2017). The United States Supreme Court denied a petition for writ of certiorari on June 4, 2018. *Black v. Mays*, 138 S.Ct. 2603 (2018). Black did not file a petition for rehearing.

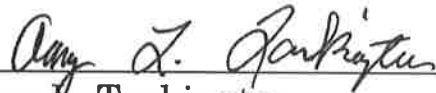
4. Black has thus completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Davidson County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter

ANDRÉE SOPHIA BLUMSTEIN
Solicitor General



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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20th day of September, 2019, to the following:

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Glenn R. Funk
District Attorney General
20th Judicial District
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Nashville, TN 37201

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

STATE OF TENNESSEE,

Movant,

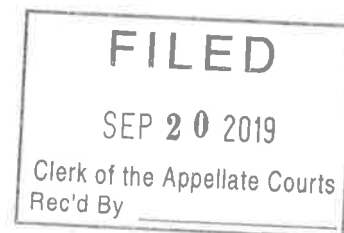
v.

Tony V. Carruthers,

Defendant.

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)
)
)
)
)
)
)
)
)

Case No.



MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Tony V. Carruthers. In support of this motion, the State relies on the following:

1. Carruthers was convicted for the 1994 first-degree murders of Marcellos Anderson, Delois Anderson, and Frederick Tucker, and given death sentences for each conviction. This Court affirmed the judgments, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Carruthers*, 35 S.W.3d 516 (Tenn. 2000), *cert. denied*, 533 U.S. 953 (2001).

2. Carruthers filed a petition for post-conviction relief in the trial court in December 2001. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and this Court denied a discretionary appeal. *Carruthers v. State*, No. W2006-00376-CCA-R3-PD, 2007 WL 4355481 (Tenn. Crim. App., Dec. 12, 2007), *perm. app. denied* (Tenn. May 27, 2008).

3. Carruthers filed a petition for writ of habeas corpus in the United States District Court for the Western District of Tennessee. On March 31, 2014, the district court denied relief and dismissed the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Carruthers v. Mays*, 889 F.3d 273 (6th Cir. 2018) (reh'g denied, June 26, 2018). The United States Supreme Court denied a petition for writ of certiorari on February 19, 2019. *Carruthers v. Mays*, 139 S.Ct. 1173 (2019). Carruthers did not file a petition for rehearing from the denial of certiorari.


4. Carruthers has completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Shelby County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
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Solicitor General



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Amy L. Tarkington
Associate Solicitor General

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

FILED

SEP 20 2019

Clerk of the Appellate Courts
Rec'd By _____

STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
)	
HENRY EUGENE HODGES,)	
)	
Defendant.)	

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Henry Eugene Hodges. In support of this motion, the State relies on the following:

1. Hodges entered pleas of guilty in the Davidson County Criminal Court to the 1990 first-degree premeditated murder and especially aggravated robbery of Ronald Bassett. Following a sentencing hearing and jury verdict, the court sentenced him to death. The trial court later imposed a consecutive forty-year sentence for aggravated robbery. This Court affirmed the judgment, and the United

States Supreme Court denied a petition for writ of certiorari. *State v. Hodges*, 944 S.W.2d 346 (Tenn. 1997), *cert. denied*, 522 U.S. 999 (1997).

2. Hodges filed a petition for post-conviction relief in the trial court in December 1997. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and this Court denied a discretionary appeal. *Hodges v. State*, No. M1999-00516-CCA-R3-PD, 2000 WL 1562865 (Tenn. Crim. App. Oct. 20, 2000), *perm. app. denied* (Tenn. Mar. 26, 2001).

3. Hodges filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Tennessee in July 2001. On March 28, 2008, the district court denied the habeas petition and dismissed the action with prejudice. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Hodges v. Colson*, 727 F.3d 517 (6th Cir. 2013) (reh'g denied, Aug. 14, 2013). The United States Supreme Court denied a petition for writ of certiorari on March 23, 2015, and denied a petition for rehearing on May 18, 2015. *Hodges v. Carpenter*, 135 S.Ct. 1545 (2015); *Hodges v. Carpenter*, 135 S.Ct. 2345 (2015).

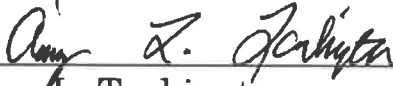
4. Hodges has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Davidson County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter

ANDRÉE SOPHIA BLUMSTEIN
Solicitor General



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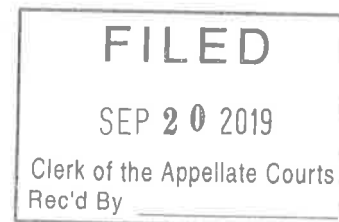
Glenn R. Funk
District Attorney General
20th Judicial District
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Nashville, TN 37201

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**



STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
)	
Donald Ray Middlebrooks,)	
)	
Defendant.)	

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Donald Ray Middlebrooks. In support of this motion, the State relies on the following:

1. Middlebrooks was convicted for the 1987 torture-murder of Kerrick Majors and sentenced to death. This Court initially affirmed the conviction but reversed the death sentence and remanded for resentencing. *State v. Middlebrooks*, 840 S.W.2d 317 (Tenn. 1992). The United States Supreme Court initially granted certiorari but ultimately dismissed, finding that certiorari had been improvidently granted.

Tennessee v. Middlebrooks, 507 U.S. 1028 (1993); *Tennessee v. Middlebrooks*, 510 U.S. 124 (1993). Middlebrooks was again given a death sentence on remand, which this Court affirmed on direct appeal from resentencing. *State v. Middlebrooks*, 995 S.W.2d 550 (Tenn. 1999).

2. Middlebrooks filed a petition for post-conviction relief in the trial court, which was denied following an evidentiary hearing. The Court of Criminal Appeals affirmed the judgment, and this Court denied discretionary review. *Middlebrooks v. State*, No. M2001-01865-CCA-R3-PD, 2003 WL 61244 (Tenn. Crim. App. Jan. 9, 2003), *perm. app. denied* (Tenn. July 7, 2003).

3. Middlebrooks filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Tennessee in 2003. The district court denied relief and dismissed the petition. *Middlebrooks v. Bell*, No. 3:03-0814 (M.D. Tenn. May 26, 2005). The United States Court of Appeals for the Sixth Circuit affirmed the denial, but on certiorari review, the Supreme Court vacated the judgment and remanded for further consideration in light of *Martinez v. Ryan*, 566 U.S. 1 (2012). The district court denied relief on remand, and that action was again affirmed by the Sixth Circuit. *Middlebrooks v. Carpenter*, 843 F.3d 1127 (6th Cir. 2016) (reh'g denied, Mar. 14, 2017). The United States Supreme Court denied a petition for writ of certiorari on December 4, 2017, and denied rehearing on February 20, 2018.

Middlebrooks v. Mays, 138 S.Ct. 503 (2017) (reh'g denied, Feb. 20, 2018).

4. Middlebrooks has completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Davidson County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter

ANDRÉE SOPHIA BLUMSTEIN
Solicitor General



Amy L. Tarkington

Associate Solicitor General
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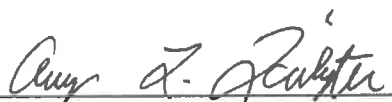
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Glenn R. Funk
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20th Judicial District
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Nashville, TN 37201

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

STATE OF TENNESSEE,

Movant,

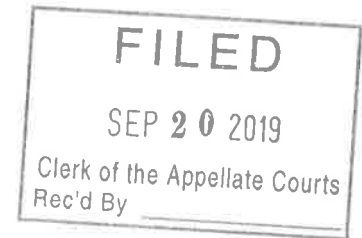
v.

HAROLD WAYNE NICHOLS,

Defendant.

)
)
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Case No.



MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Harold Wayne Nichols. In support of this motion, the State relies on the following:

1. Nichols pleaded guilty in the Hamilton County Criminal Court to the 1988 first-degree felony murder of Karen Pulley. Following a sentencing hearing and jury verdict, the court sentenced him to death. This Court affirmed the judgment, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Nichols*, 877 S.W.2d 722 (Tenn. 1994), *cert. denied*, 513 U.S. 1114 (1995).

2. Nichols filed a petition for post-conviction relief in the trial court in April 1995. Following a hearing, the trial court denied relief. This Court affirmed that denial. *Nichols v. State*, 90 S.W.3d 576 (Tenn. 2002).

3. Nichols filed a petition for writ of habeas corpus in the United States District Court for the Eastern District of Tennessee in May 2003. On July 25, 2006, the district court granted the Warden's motion to dismiss the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Nichols v. Heidle*, 725 F.3d 516 (6th Cir. 2013) (reh'g denied, Sept. 5, 2013). The United States Supreme Court denied a petition for writ of certiorari on December 1, 2014. *Nichols v. Heidle*, 135 S.Ct. 704 (2014). Nichols did not file a petition for rehearing from the denial of certiorari.

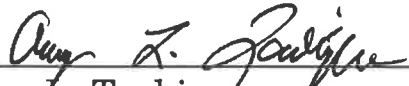
4. Nichols has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the January 7, 1991, judgment of the Criminal Court of Hamilton County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter

ANDRÉE SOPHIA BLUMSTEIN
Solicitor General



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CERTIFICATE OF SERVICE

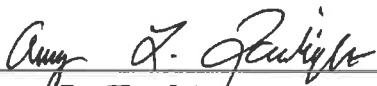
I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20th day of September, 2019, to the following:

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Dana C. Hansen Chavis, Assistant Federal Community Defender
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Deborah Y. Drew
Andrew L. Harris
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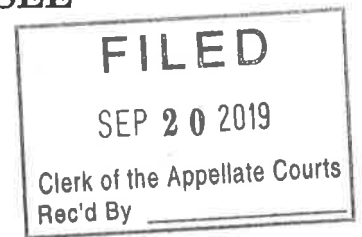
M. Neal Pinkston
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Chattanooga, TN 37402-1972

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**



STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
)	
FARRIS GENNER MORRIS,)	
)	
Defendant.)	

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Farris Morris. In support of this motion, the State relies on the following:

1. Morris was convicted by a Madison County jury in 1997 of two counts of premeditated first-degree murder and one count of aggravated rape arising from the deaths of Erica Hurd and James Ragland. The jury imposed the death penalty for the murder of Erica Hurd. On the remaining convictions, Morris received consecutive sentences of life without the possibility of parole for the murder of Charles Ragland and twenty-five years in prison for the aggravated rape of Angela Ragland. This Court affirmed the judgment, and the

United States Supreme Court denied a petition for writ of certiorari. *State v. Morris*, 24 S.W.3d 788 (Tenn. 2000), *cert. denied*, 531 U.S. 1082 (2001).

2. Morris filed a petition for post-conviction relief in the trial court in February 2001. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and this Court denied a discretionary appeal. *Morris v. State*, No. W2005-00426-CCA-R3-PD, 2006 WL 2872870 (Tenn. Crim. App. Oct. 10, 2006), *perm. app. denied* (Tenn. Feb. 26, 2007).

3. Morris filed a petition for writ of habeas corpus in the United States District Court for the Western District of Tennessee in April 2007. On September 29, 2011, the district court granted habeas relief, in part, directing that the State initiate new penalty phase proceedings within 120 days or impose a life sentence. The court stayed its decision pending appeal. On September 23, 2015, the United States Court of Appeals for the Sixth Circuit reversed and remanded the case to the district court for the denial of the writ of habeas corpus. *Morris v. Carpenter*, 803 F.3d 825 (6th Cir. 2015). The United States Supreme Court denied a petition for writ of certiorari on October 3, 2016, and denied a petition for rehearing on November 28, 2016. *Morris v. Westbrooks*, 137 S.Ct. 44 (2016); *Morris v. Westbrooks*, 137 S.Ct. 540 (2016).

4. Morris has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule

12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the April 1, 1997, judgment of the Circuit Court of Madison County, Tennessee.

Respectfully submitted,

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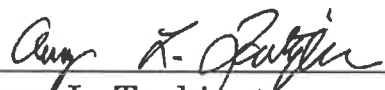
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IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

FILED

SEP 20 2019

Clerk of the Appellate Courts
Rec'd By _____

STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
)	
PERVIS T. PAYNE,)	
)	
Defendant.)	

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Pervis Tyrone Payne. In support of this motion, the State relies on the following:

1. Payne was convicted by a Shelby County jury for the 1987 first-degree murders of Charisse Christopher and her two-and-one-half-year-old daughter Lacie, and for the assault with intent to commit murder of her three-and-one-half-year-old son Nicholas. Payne was sentenced to death for each of the murders and to thirty years in prison

for the assault. This Court affirmed the judgments. *State v. Payne*, 791 S.W.2d 10 (Tenn. 1990). The United States Supreme Court granted certiorari, in part, and affirmed the judgment of this Court. *Payne v. Tennessee*, 501 U.S. 808 (1991).

2. Payne filed a petition for post-conviction relief in the trial court in January 1992. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed, and this Court denied a discretionary appeal. *Payne v. State*, No. 02C01-9703-CR-00131, 1998 WL 12670 (Tenn. Crim. App. Oct. 20, 2000), *perm. app. denied* (Tenn. June 8, 1998).

3. Payne filed a petition for writ of habeas corpus in the United States District Court for the Western District of Tennessee in November 1998. On March 25, 2002, the district court granted the Warden's motion for summary judgment and dismissed the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Payne v. Bell*, 418 F.3d 644 (6th Cir. 2005). The United States Supreme Court denied a petition for writ of certiorari on June 26, 2006, and denied a petition for rehearing on September 1, 2006. *Payne v. Bell*, 548 U.S. 908 (2006); *Payne v. Bell*, 548 U.S. 939 (2006).

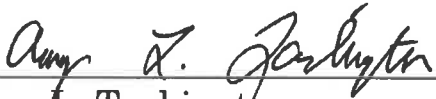
4. Payne has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgments of the Criminal Court of Shelby County, Tennessee.

Respectfully submitted,

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ANDRÉE SOPHIA BLUMSTEIN
Solicitor General



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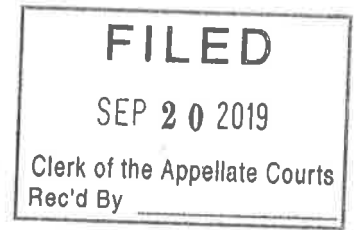
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Amy L. Tarkington
Associate Solicitor General

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

STATE OF TENNESSEE,)	
)	
Movant,)	
)	
v.)	Case No.
)	
Oscar Franklin Smith)	
)	
Defendant.)	



MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Oscar Franklin Smith. In support of this motion, the State relies on the following:

1. Smith was convicted for the 1989 triple murders of his estranged wife Judy Lynn Smith, and her two sons by a previous marriage, Chad and Jason Burnett. Following a jury verdict, the trial court sentenced Smith to death for all three murder convictions. Smith's convictions and sentences were affirmed by this Court on direct appeal, and the United States Supreme Court denied a petition for writ

of certiorari. *State v. Smith*, 868 S.W.2d 561 (Tenn. 1993) (reh'g denied, Jan. 5, 1994), *cert. denied*, *Smith v. Tennessee*, 513 U.S. 960 (1994).

2. Smith filed a petition for post-conviction relief in the trial court, which was denied following an evidentiary hearing. The Court of Criminal Appeals affirmed the judgment, and this Court denied discretionary review. *Smith v. State*, No. 01C01-9702-CR-00048, 1998 WL 345353 (Tenn. Crim. App. June 30, 1998), *perm. app. denied*, (Tenn. Jan. 25, 1999). The United States Supreme Court also denied review. *Smith v. Tennessee*, 527 U.S. 1026 (1999).

3. Smith filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Tennessee but was denied relief. *Smith v. Bell*, 2005 WL 2416504 (M.D. Tenn. Sept. 30, 2005). The United States Court of Appeals for the Sixth Circuit affirmed the denial of relief, but the United States Supreme Court, on certiorari review, vacated the judgment and remanded for further consideration in light of *Martinez v. Ryan*, 566 U.S. 1 (2012). *Smith v. Bell*, 381 Fed. Appx. 547, 2010 WL 2545521 (6th Cir. 2010); *Smith v. Colson*, 566 U.S. 901 (2012); reh'g denied, 566 U.S. 1005 (2012). The district court again denied relief on remand and denied a certificate of appealability; the Sixth Circuit affirmed that denial. *Smith v. Mays*, 2018 WL 7247244 (6th Cir. Aug. 22, 2018). The Supreme Court denied

a petition for writ of certiorari on June 10, 2019. *Smith v. Mays*, 139 S.Ct. 2693 (2019). Smith did not file a petition for rehearing.

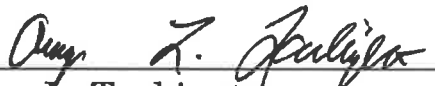
4. Smith has thus completed the standard three-tier appeals process, making the setting of an execution date appropriate. *See* Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Criminal Court of Davidson County, Tennessee.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General & Reporter

ANDRÉE SOPHIA BLUMSTEIN
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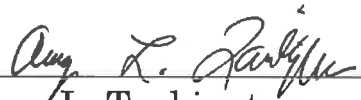
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20th day of September, 2019, to the following:

Kelley J. Henry, Assistant Federal Public Defender
Office of the Federal Public Defender
810 Broadway, Suite 200
Nashville, TN 37203

Glenn R. Funk
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20th Judicial District
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Nashville, TN 37201

The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

FILED

SEP 20 2019

Clerk of the Appellate Courts
Rec'd By _____

STATE OF TENNESSEE,

)

)

Movant,

)

)

v.

)

CASE No.

)

GARY WAYNE SUTTON,

)

)

Defendant.

)

MOTION TO SET EXECUTION DATE

As Tenn. Sup. Ct. R. 12.4(A) requires the State to do when a death-row prisoner has completed the standard three-tier appeals process, the State of Tennessee moves this Court to set an execution date for Gary Wayne Sutton. In support of this motion, the State relies on the following:

1. Sutton and co-defendant James Henderson Dellinger were convicted by a Blount County jury for the 1992 first-degree murder of Tommy Griffin. Following a sentencing hearing, the jury sentenced both defendants to death. This Court affirmed the judgments, and the United States Supreme Court denied a petition for writ of certiorari. *State v. Sutton*, 79 S.W.3d 458 (Tenn. 2002), *cert. denied*, 537 U.S. 1090 (2002).

2. Sutton filed a petition for post-conviction relief in the trial court in March 2003. Following a hearing, the trial court denied relief. The Court of Criminal Appeals affirmed the judgment, and this Court denied a discretionary appeal. *Sutton v. State*, No. E2004-02305-CCA-R3-PD, 2006 WL 1472542 (Tenn. Crim. App. May 30, 2006), *perm. app. denied* (Tenn. Oct. 2, 2006).

3. Sutton filed a petition for writ of habeas corpus in the United States District Court for the Eastern District of Tennessee in May 2007. On March 30, 2011, the district court granted the Warden's motion for summary judgment and dismissed the habeas petition. The United States Court of Appeals for the Sixth Circuit affirmed the district court's judgment denying habeas relief. *Sutton v. Carpenter*, 617 Fed. Appx. 434 (6th Cir. June, 23, 2015). The United States Supreme Court denied a petition for writ of certiorari on March 28, 2016. *Sutton v. Westbrook*, 136 S.Ct. 1494 (2016). Sutton did not file a petition for rehearing from the denial of certiorari.

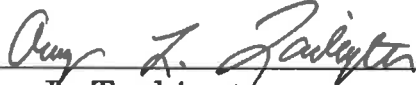
4. Sutton has completed the standard three-tier appeals process, making the setting of an execution date appropriate. See Rule 12.4(A). There are no current judicial or executive orders staying defendant's execution or granting a reprieve.

This Court should set an execution date in accordance with the judgment of the Circuit Court of Blount County, Tennessee.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion was forwarded by United States mail, first-class postage prepaid, on the 20th day of September, 2019, to the following:

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The undersigned attorney of record prefers to be notified of any orders or opinions of the Court by e-mail at Amy.Tarkington@ag.tn.gov.



Amy L. Tarkington
Associate Solicitor General